THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.2881 of 2005

Date: 5th June, 2006

Between :-

1. Gujja Someshwar Rao, S/o. Upender Rao.
2. M. Srinivas, S/o. Thathabbiai,
3. K. Upenderamai, S/o. Kistaiah.
4. Abdul Khadar, S/o. Hussain.
5. Smt. Rehana Begum, W/o. Mohd. Saleem
6. Ullengala Shankaraiah, S/o. Venkataiah
7. Md.Ayub, S/o. Abdul
8. Md.Zamaluddin, S/o. Abdul
9. Smt. M.Ramaleela, W/o. Krishna Murthy
10. Mudigonda Subramanyam, S/o. Nandaiah

..Petitioners

and

1. Kakatiya Urban Development Authority
   Rep. By its Vice Chairman, Warangal
2. The District Collector, Warangal.
3. Mandal Revenue Officer, Hanamkonda Mandal
   Warangal. .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.2881 of 2005

ORDER:-

1. Heard the Counsel.

2. The writ petitioners filed the present Writ Petition praying for a Writ of Mandamus declaring the action of the respondents in dispossessing or demolishing the house properties bearing No.5-65/2E, 5-56/71, 5-56/6, 5-56/3, 5-56/2A, 5-58 of the petitioners situated at Satya Sai Nagar in survey Nos.138 to 151 and 245 to 256 of URSU village under the Board Thimmapuram Gram Panchayat, Warangal Rural, Warangal District, without following the due process of law as illegal, arbitrary, without any sanction of law and violative of principles of natural Justice and violative of Articles 14, 19 and 30 A of the Constitution of India and consequently direct the respondents to restrain from dispossessing or demolishing the premises of the petitioners and pass such other suitable orders.

3. This Court had issued an interim direction dated 18-2-2005 in W.P.M.P.No.3887 of 2005.

4. The sale deeds in relation to the properties referred to supra also had been filed. The first respondent filed counter affidavit, stating at para 5 of the counter affidavit, to the effect that the said respondent

had submitted the proposal to the District Collector, Warangal for initiation of land acquisition proceedings for acquiring land for establishment of the truck terminal as the Government of Andhra Pradesh accorded the permission vide G.O.Rt.No.1194 MA, dt.30-10-2004. The said G.O.Rt.No.1194 MA, dt.30-10-2004 reads as hereunder:-

MUNICIPAL ADMINISTRATION & URBAN

DEVELOPMENT (H2) DEPARTMENT

G.O.Rt.No.1194 M.A., Dated: 30th October,2004

Read:

From V.C., Kakatiya Urban Development Authority,

Warangal Lr.Roc.No.Ex.C.2/254/04, dt.02.03.2004.

O R D E R :

The Vice Chairman, Kakatiya Urban Development Authority, Warangal in the letter read above has stated that the authority is proposing to develop a Truck Terminal at Thimmapur (v), near Warangal city in Kakatiya Urban Development Authority limits with an extent of Acs.50.00 with an estimated cost of Rs.1148 lakhs to provide parking, loading and unloading and the said Truck Terminal will decongest the city and reduce traffic congestion and alsot takeup the construction of shops, offices, godowns etc., and disposed off to transport association and others on cost to cost basis. It is further reported that the authority has identified the certain pockets of private and including assigned Government land on outskirts of the Warangal city it is proposed to acquire an extent of Acs.50.00 under Section 18 of A.P.U.A. (Dev.) Act, 1975 under compulsory L.A. covering in Sy.Nos.140 to 144, 150 of Urus and 245, 246 to 249 and 256 of Thimmapur villages and requested the Government to accord administrative sanction to an estimated cost of Rs.1148.00 lakhs to acquire lands and develop the Goods and Truck Terminal Project at Warangal city.

In the circumstances reported by the Vice Chairman, Kakatiya Urban Development Authority. Warangal in the letter read above, the Government after careful examination of the matter hereby accord administrative sanction for establishing a Goods and Truck Terminal at Thimmapur (v), near Warangal city in Kakatiya Urban Development Authority limits in an extent of Acs.50.00 with an estimated cost of Rs.1148.00 lakhs subject to the condition that the said project shall be taken up by the Kakatiya Urban Development

Authority, Warangal with its own source of funds and without any financial commitment from the Government side and that the project should be implemented on a self-paying basis.

5. In the light of the specific stand taken by the first respondent, it is needless to say that the respondents are at liberty to further proceed in accordance with law by following the procedure. With the above direction, the Writ Petition is disposed of. No costs.

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Justice P.S.Narayana

Date: 5th June, 2006

SMR